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# ACFP

## OSTEOPATHIC

March 2, 2001

The Honorable Greg Ganske  
U.S. House of Representatives  
1108 Longworth House Office Building  
Washington, DC 20515

Dear Congressman Ganske:

The American College of Osteopathic Family Physicians (ACOFP) represents the nation's 27,000 osteopathic family physicians. As President, I write to recognize your efforts to protect the rights of patients and rein in the abuses of managed care. To this end, we are pleased to let you know that your bill, the "Bipartisan Patient Protection Act of 2001" (H.R. 526), encompasses the principals of managed care reform legislation the ACOFP supports.

On behalf of patients, the ACOFP urges the Congress to enact strong, meaningful and comprehensive protections. After more than six years of debate and delay, we believe that H.R. 526 is bipartisan legislation that encompasses the ACOFP's long sought principles. These include:

- physicians allowed to determine medical necessity;
- health plans held accountable for their actions;
- a fair and independent appeals process available to patients, and
- protections which apply to all Americans.

Over the last two decades, managed care has become less and less interested in delivering quality healthcare to patients. Instead, the focus seems entirely on the bottom line. It is time to bring the focus back to our patients and away from HMO profits. Employers and patients are tired of not receiving the care they are promised, pay for, and deserve. The Bipartisan Patient Protection Act of 2001 will help bring the quality back into healthcare and allow osteopathic physicians to care for our patients in accordance with the high principles guiding our profession.

Further, we are encouraged by the patients' rights principles recently released by President Bush. I would note that many of the President's positions also are reflected in ACOFP policy. For instance, while the ACOFP is determined to have HMO liability included in any managed care reform package which becomes law, we also are committed to protecting employers from liability when they do not engage in medical decisions. We believe H.R. 526 accomplishes this mutual goal. We would not serve our patients well if managed care reform led to a decrease in the availability of health insurance.

Additionally, we would like to see medical malpractice reform addressed during this Congress. The ACOFP feels it is relevant to have common-sense and fiscally responsible caps placed on medical malpractice awards. Such caps would be an effective tool in the battle to control the spiraling costs of health care. We stand steadfastly behind passage of a patients' bill of rights, not a lawyer's bill of rights. Without true medical malpractice reform, trial lawyers gain more access to the health care system and that would be detrimental to patients and physicians alike.

The ACOFP, however, is firmly committed to the passage of the Bipartisan Patient Protection Act and would not want medical malpractice reform or other issues to impede its enactment.

Again, thank you for your leadership on this critical issue. We are encouraged by the broad bipartisan support your legislation has received. The ACOFP pledges to work with you, all other Members of Congress, and the White House to ensure swift enactment of meaningful patient protection legislation. Please feel free to contact Shawn Martin, Director of Government Affairs, in our Washington office at 202-414-0147 with any further comments or questions.

Sincerely,

*Eugene D. Pogorelec, D.O., FACOFP*

Eugene D. Pogorelec, D.O., FACOFP  
President

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